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June 18, 2009

Michael Bond **(Via email)**
Kutak Rock LLP
234 E Millsap Road Suite 400
Fayetteville, AR 72703-4099

Re: *State of Oklahoma v. Tyson et al.*, No. 05-CV-0329-GKF-PJC

Dear Mr. Bond:

You will find enclosed the latest data just received from USGS with an accompanying index. Since these samples are taken by USGS and analyzed by them, no preliminary reports were provided. I am producing this pursuant to the Court's Opinion and Order of January 5, 2007 (DKT. 1016) and the Opinion and Order of May 20, 2008 (DKT. 1710). As previously stated, in making this production, we are reserving all of our previously stated objections.

I have received your letter of May 21, 2009 objecting to our continuing to produce this data. As you are aware, we are under the Court's orders as cited above. These explicitly require us to produce this data and to do so in a timely manner. Those orders were not time limited and have not been modified or vacated. I do not read compliance with these orders to be optional. The State intends to continue to comply with the orders of the Court until and unless relieved of the same.

Should you have any questions concerning this or wish to discuss this matter further, please call me.

Sincerely,

Louis W. Bullock

Enclosures

State of Oklahoma v. Tyson, et al.
Plaintiff's Document Production Index
For documents produced June 18, 2009

STOK 58433-58435	EML ID: 547646 Date of sampling: 06-02-09 Date of report: 06-16-09 Location 1: Illinois River near Watts Location 2: Illinois River at Chewey

06-18-09 Index of documents produced by email

EMLab P&K

Report for:

Mr. Roger Olsen
CDM (Camp Dresser & McKee, Inc.)
555 17th Street
Suite 1100
Denver, CO 80202

Regarding: Project: Illinois River, USGS
EML ID: 547646

Approved by:

Lab Manager
Dr. Kamashwaran Ramanathan

Dates of Analysis:
MPN-Standard Bacteria: 06-16-2009

Project SOPs: MPN-Standard Bacteria (100130)

This coversheet is included with your report in order to comply with AIHA and ISO accreditation requirements.

For clarity, we report the number of significant digits as calculated; but, due to the nature of this type of biological data, the number of significant digits that is used for interpretation should generally be one or two. All samples were received in acceptable condition unless noted in the Report Comments portion in the body of the report. Due to the nature of the analyses performed, field blank corrections of results is not a standard practice. The results relate only to the items tested.

EMLab P&K ("the Company") shall have no liability to the client or the client's customer with respect to decisions or recommendations made, actions taken or courses of conduct implemented by either the client or the client's customer as a result of or based upon the Test Results. In no event shall the Company be liable to the client with respect to the Test Results except for the Company's own willful misconduct or gross negligence nor shall the Company be liable for incidental or consequential damages or lost profits or revenues to the fullest extent such liability may be disclaimed by law, even if the Company has been advised of the possibility of such damages, lost profits or lost revenues. In no event shall the Company's liability with respect to the Test Results exceed the amount paid to the Company by the client therefor.

Document Number: 200091 - Revision Number: 5

EMLab P&K
1150 Bayhill Drive, Suite 100, San Bruno, CA 94066
(866) 888-6653 Fax (650) 829-5852 www.emlab.com

Client: CDM (Camp Dresser & McKee, Inc.)
C/O: Mr. Roger Olsen
Re: Illinois River, USGS

Date of Sampling: 06-02-2009
Date of Receipt: 06-03-2009
Date of Report: 06-16-2009

MPN REPORT

Location: 1, Illinois River nr. Watts — Lab ID-Version‡: 2430733-1

Sample size: 500		Unit: 100 ml		Percent solid: N/A	
Bacteria	**Method**	**Setup Time**	**MPN*/Unit**	**LCL****	**UCL****
Fecal Coliform	SM 9221 E	06/03/09 12:00	20	3	140
Total Coliform	SM 9221 B	06/03/09 12:00	220	89	540
E. coli	SM 9221 F	06/03/09 12:00	20	3	140
Staphylococcus aureus	BAM 12	06/03/09 12:00	< 1.1	-	7.2
Enterococcus group	SM 9230 B	06/03/09 12:00	5	1	20
Salmonella species	BAM 5	06/03/09 12:00	< 2	-	14

Comments: Sample received past holding time.

Location: 2, Illinois River at Hewey — Lab ID-Version‡: 2430734-1

Sample size: 500		Unit: 100 ml		Percent solid: N/A	
Bacteria	**Method**	**Setup Time**	**MPN*/Unit**	**LCL****	**UCL****
Fecal Coliform	SM 9221 E	06/03/09 12:00	14	5	40
Total Coliform	SM 9221 B	06/03/09 12:00	27	11	64
E. coli	SM 9221 F	06/03/09 12:00	8	3	26
Staphylococcus aureus	BAM 12	06/03/09 12:00	< 1.1	-	7.2
Enterococcus group	SM 9230 B	06/03/09 12:00	9	3	24
Salmonella species	BAM 5	06/03/09 12:00	< 2	-	14

Comments: Sample received past holding time.

*MPN - Most Probable Number.
MPN methods:
SM - Standard Methods for the Examination of Waters and Wastewaters, 20th ed. 1998.
FDA BAM - U.S. Food and Drug Administration Bacteriological Analytical Manual, January 2001.
MPN values are calculated using the method of Thomas (1942).
The MPN method was developed to handle samples with a high load of particulate matter, such as turbid waters, soils, wastewaters and sludges. MPN values are statistically derived calculations of viable bacterial density based on the assumptions of random distribution of single, non-clustered, bacteria not attached to particulate matter within a sample. Due to the fact that bacteria can cluster and adhere to materials, values determined by the MPN method should be considered estimates in many instances.

**The Upper 95% Confidence Limit (UCL) and Lower 95% Confidence Limit (LCL) are calculated using the method of deMan (1983) and represent that "before the tubes are inoculated, the chance is at least 95 percent that the confidence interval associated with the eventual result will enclose the actual concentration" (FDA BAM).
Interpretation is left to the company and/or persons who conducted the field work.
‡ A "Version" greater than 1 indicates amended data.

CHAIN OF CUSTODY

ENVIRONMENTAL MICROBIOLOGY LABORATORY, INC.

866.888.6653 www.EMLab.com

* PLEASE SEE REVERSE SIDE FOR ADDITIONAL MicroLAB™ LOCATIONS *

To: 1150 Bayhill Dr. #100, San Bruno, CA 94066 ~ AIHA EMLAP #102856

~~5473 Kearny Villa Road, #130, San Diego, CA 92123~~ ~ AIHA EMLAP #160266

WEATHER	Fog	Rain	Snow	Wind	Clear
None					
Light					
Moderate					
Heavy					

LEVEL

REQUESTED SE

B 000547646

CONTACT INFORMATION

Company/Branch: CDM (Camp Dresser & McKee)

Contact: Roger Olsen

Phone: 303-298-1311

ALSO EMAIL RESULTS TO: Gbuck@usgs.gov

Fax results? Y / (N) Fax: 303-961-9486

Email results? Y / N Email: olsenrl@cdm.com

PROJECT INFORMATION

Project:

Project/ Promo ID:

Project Zip Code:

Sampling Date:

PO Number:

Send Invoice to:

TURN-AROUND TIME CODES (TAT)

STD - Standard (DEFAULT 48-72 Hour)

ND - 24 Hour (+50%)

SD - Same Business Day Rush (+75%)

WH - Weekend/Holiday (+100%)

Rushes received after 2pm or on weekends will be considered received the next business day. Please alert us in advance of weekend analysis needs.

SAMPLE ID	DESCRIPTION	Sample Type (below)	TAT (Above)	Total Volume/Area (as applicable)	NOTES (Time of day, Temp, RH, etc.)
	Illinois River nr. Watts	W	STD	250 x 2	6-2-2009 1045
	Illinois River @ Chewey	W	STD	250 x 2	6-2-2009 1245

Non-Culturable		Fungi - Spore Trap Analysis	Fungi & Biological Particles - Spore Trap Analysis	Fungi - Direct Microscopic Exam	E. coli	Total Coliforms	Fecal coliform	Staphylococcus	Camplylobacter	Salmonella
Spore Trap	Tape Swab Bulk									
					X	X	X	X	X	X
					X	X	X	X	X	X

SAMPLE TYPE CODES

BC - BioCassette™	CP - Contact Plate	T - Tape	D - Dust
A1S - Andersen 1-stage	ST - Spore Trap: Zefon, Allergenco, Burkard...	SW - Swab	W - Water
A2S - Andersen 2-stage		B - Bulk	SO - Soil
SAS - Surface Air Sampler	P - Pure Culture	O - Other:	

RELINQUISHED BY	DATE & TIME
[signature]	6-2-2009

RECEIVED BY	DATE & TIME
USGS - [signature]	6/3/09 9:15

Our Allergen Analysis COC can be downloaded at www.EMLab.com